15CV 0959

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	37		€.,
JASON GOLDFARB, Petitioner,		<u>S1:10-cr-00056-RJS</u>	
-against- UNITED STATES OF AMERICA			
Responder	nt. X		

PETITION FOR WRIT OF ERROR CORAM NOBIS WITH EXHIBITS

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Dated: New York, N.Y. October 31, 2014

Jason C. Goldfarb

JASON C. GOLDFARB Pro Se 317 East 85th Street PHC New York, New York 10028 (917) 691-6684



UNITED STATES DISTRICT COU SOUTHERN DISTRICT OF NEW	YORK	- maa ee e
JASON GOLDFARB,	Petitioner,	ECF CASE
-against-		
UNITED STATES OF AMERICA	A	
	Respondent	

PETITION FOR WRIT OF CORAM NOBIS

Petitioner, Jason Goldfarb ("Petitioner") hereby petitions and moves this Court pursuant to 28 U.S.C. § 1651 (a) for issuance of a writ of error *coram nobus* to vacate a prior federal criminal judgment in order to correct a fundamental error and prevent an injustice.

Having been previously convicted of conspiracy to commit securities fraud and securities fraud pursuant to 18 U.S.C. § 371 and 15 U.S.C. § 78j (B) and § 78ff. The Petitioner was sentenced to a prison term of thirty six (36) months, as well as ordered to forfeit \$1,103,131.00, given a \$200.00 assessment and in addition fined \$32,500.

Petitioner has served his prison sentence, implemented and paid in full a settlement of the forfeiture which was levied against him, and made full payment of the assessment. At the direction of the probation department, the petitioner has been making timely \$100 monthly payments towards the fine which was assessed while this motion was being compiled.

I. FACTUAL BACKGROUND AND THE CONVICTED OFFENSE

Petitioner is a thirty six year old recently married man. He was previously an attorney who practiced in the field of workers compensation and was disbarred due to pleading guilty in this matter. He is not a man of much financial means, is currently unemployed and has been devastated both personally and monetarily by his incarceration and loss of he law license. It is noted though that he takes full responsibility for his wrongful actions and blames nobody but himself, and that nothing said or contained in this motion is meant to suggest anything otherwise.

Petitioner was arrested based upon a complaint filed November 5, 2009. He was then charged in this Court by indictment filed April 7, 2011. The petitioner made clear from the onset that he wished to cooperate with the government in any way possible, and did have proffer sessions with the government on three separate occasions. On April 21, 2011, the petitioner plead guilty in this court, pursuant to a plea agreement and on August 19, 2011 the petitioner was sentenced before your honor in this Court.

A. AVAILABILITY OF WRIT

A writ of *coram nobus* pursuant to 28 U.S.C. § 1651 (a) ("All Writs Act") provides a basis to set aside, modify or vacate a Petitioner's conviction or sentence. United States v. Morgan, 346U.S. 502, 74 S.Ct 247 (1954); Nicks v. United States, 955 F.2d 161, 167 (2d Cir. 1992); Foont v. United States, 93 F.3d 76,79 (2d Cir. 1996); United States v. Mayer, 235 U.S. 55, 35 S. Ct 16 (1914). This remedy is necessary in this matter due to "circumstances compelling such action to achieve justice" United States v. Morgan, 346 U.S. 502, at 511, 74 S.Ct 247 (1954). When a Court fails to invoke its

power under the All Writs Act, "a wrong may stand uncorrected which the available remedy would right" Id. At 512. Where as here, the Petitioner has effectively served his sentence and the power to remedy the error exists, Petitioner is entitled to an opportunity to show the judgment is improper. Id. At 513

To obtain a writ on error *coram nobis* vacating a judgment one must show that (1) the judgment resulted from a proceeding that were rendered irregular and invalid by errors of a most fundamental character, Foont v. United Sates, 93 F.3d 76, 78 (2d Cir. 1996); (2) the petitioner continues to suffer legal consequences resulting from the judgment that may be corrected by granting the writ, Nicks v. United States, 955 F.2d 161, 167 (2d Cir. 1992); (3) there are sound reasons for the petitioner's failure to seek appropriate earlier relief, Id. At 167; and (4) there are circumstances compelling the issuance of the writ to achieve justice, Id. At 167.

Here, these elements are clearly established, (1) The fine imposed against petitioner and no other co-defendant created an irregularity and injustice; (2) The petitioner continues to suffer legal consequences from his conviction in the form of required ongoing payments, and an outstanding substantial sum of money which accrues interest, things which similarly situated co-defendants do not have to contend with; (3) There are sound reasons for the petitioner's failure to seek earlier relief in that he was incarcerated and was also not made aware of the remaining fine until he reported to probation at the end of 2013; It was his belief that only the forfeiture was issued as it was with all the other co defendants; and (4) there are circumstances compelling the issuance of the writ to achieve justice in that at this juncture there is no other adequate remedy available for the petitioner to challenge his judgment/fine.

Based on a showing of fundamental errors in the proceedings that led to the petitioners conviction and the resulting persistent legal consequences, a District Court may grant the writ when doing so would be in the interest of justice. Qiao v. United State, 2007 WL 4105813 (S.D.N.Y. Nov. 15, 2007)

II. ARGUMENT

The Petitioner was sentenced to a prison term of thirty six (36) months, as well as ordered to forfeit \$1,103,131.00, and in addition fined \$32,500 (Exhibit A). The Petitioner contends that he is the sole defendant in the entire criminal case who was sentenced to a fine in addition to forfeiture, thus creating a discrepancy in sentencing and while it is acknowledged that it was clearly within Your Honor's right to levy a fine, that it is not likely that Your Honor would have intentionally created such a discrepancy in treating the Petitioner differently than all the other co-defendants in the matter. Also noteworthy, is that all of the defendants in this matter were sentenced by the same Honorable Judge, which was Your Honor.

The petitioner argues that the most similarly situated co-defendant is Arthur Cutillo. Like the petitioner, he was an attorney, albeit in a totally different field of law, he plead guilty prior to trial and the government has never disputed that both the petitioner and Mr. Cutillo's total net proceeds from the crime were \$32,500 a piece. According to Mr. Cutillo's judgment and commitment order, at sentencing Mr. Cutillo was sentenced to thirty (30) months in prison and given a forfeiture of \$378,608 (Exhibit B). Like all the other co-defendants, except Mr. Goldfarb, Mr. Cutillo was only issued forfeiture and not any fine.

Defendant Michael Kimelman, went to trial and was convicted. Mr. Kimelman, also an attorney was sentenced to thirty (30) months in prison and given a

forfeiture in the amount of \$289,079, and assessed no fine (Exhibit C). Also noteworthy, is that Mr. Kimelman was able to reach a full settlement of his forfeiture with the Asset Forfeiture Unit for the US Attorneys office. The petitioner, reached a similar settlement in terms of the forfeiture (Exhibit D).

Emanuel Goffer, another co-defendant who never admitted his guilt and chose to go to trial, was convicted and sentenced to thirty six (36) months in prison, a forfeiture of \$761,623, and not assessed any fine (Exhibit E). In addition, Mr. Goffer's forfeiture amount was the actual proceeds which he personally netted as a result of the crime. Mr. Goffer failed to accept responsibility for his actions and chose to hold the government to their evidence at a cost to the government and tax payers, and not even he was not levied a fine.

Another co-defendant named David Plate was sentenced to three (3) years probation with 6 months of home confinement and issued forfeiture in the amount of \$289,000, and no additional fine was levied against him (Exhibit F). Noteworthy, is the fact that Mr. Plate did in fact cooperate with the prosecutors and testify at trial, so clearly the Court may have afforded him a different status, but again his forfeiture represented his net proceeds from the crime, and it appears he too was able to settle his forfeiture in a very similar agreement as did Mr. Goldfarb and Mr. Kimelman.

Craig Drimal, a co-defendant who plead guilty and chose not to go to trial, was sentenced by Your Honor to sixty six (66) months in prison, and forfeiture of \$11,000,000 was ordered and again no fine was levied (Exhibit G). Mr. Drimal's forfeiture seems to represent his net proceeds in this crime, and he was given the opportunity to cooperate with the government only to turn them down on various occasions.

Mr. Brien Santarlas, another defendant in this case, and former attorney was sentenced by your honor to six (6) months in prison, and given forfeiture in the amount of \$32,500, which represented his net proceeds from the crime (Exhibit H). Mr. Santarlas's net proceeds were identical to the petitioner's and Mr. Cutillo's. It is noteworthy, that Mr. Santarlas did cooperate with the government and testify at trial, but was also the person with whom the stolen information originated in breach of his fiduciary duty and no fine was levied.

Lastly, Zvi Goffer refused to plead guilty, went to trial and was convicted and sentenced by your honor to one hundred and twenty (120) months in prison and he was also ordered to pay forfeiture in the amount of \$10,022,931, which represented his net proceeds from the crime (Exhibit I). Mr. Goffer was recognized by the government and all parties as the leader of this conspiracy, only immediately prior to sentencing did he write to Your Honor and allege to finally take responsibility for his actions and promise he wouldn't appeal any decision rendered by Your Honor, only to reverse course and again claim his innocence and appeal. He is the poster boy for a man who has showed no contrition and from the start lacked the ability to take responsibility for his various wrong actions and not even he was fined by Your Honor.

The government in many of their briefs prior to sentencing argued many things but never asked Your Honor to issue a fine to the petitioner, so one would think that they would feel justice will still have been served if the judgment was modified to rescind the fine that was issued to the petitioner. The government in various sentencing motions did present various points regarding the need to avoid unwanted sentencing disparities in federal sentences. In this instance we have a disparity with eight co- defendants all

sentenced by your honor, and only one, the petitioner received a fine in addition to the forfeiture.

While the main focus of most motions from both sides was on the mandatory sentencing guidelines, and the actual prison sentence, the petitioner argues that the same holds true for the fines which were levied as part of that sentence. The sentencing guidelines were promulgated, in part, to minimize disparities in federal sentences. Although those Guidelines are no longer mandatory, the importance of eliminating sentencing disparities remains an important factor which the Court must separately consider pursuant to 18 U.S.C. § 3553(a)(7), and it is clear in this case in terms of the fine, there exists a clear disparity. Your Honor, the petitioner openly admits you have an unenviable and extremely difficult job when determining sentences for those defendants who come before you, besides trying to avoid disparities you need to hand out sentences that adequately deter not only the defendant but also the public from committing such future crimes. In the petitioners instance, it is clear that Your Honor met this obligation with a significant prison term, forfeiture, as well as the consequences that the Judge didn't himself hand down, but came along as a result of the petitioners own bad choices, namely the loss of his law license which he valued more than words could possibly express, the embarrassment and shame he still feels every single day, and it is the petitioners position that should your honor modify the judgment to rescind the fine, it clearly wouldn't affect the deterrent factor for both the petitioner and the public at large.

Your Honor, you will be hard pressed to have ever had before you a criminal defendant who is more contrite than the petitioner. He is going to spend his life attempting to redeem himself for his bad choices, and unlike many defendants who say things prior to sentencing and then forget about them, the petitioner has shown

otherwise. In fact the petitioner, currently devotes significant time to charity's that will have him and non profit organizations such as Defy Ventures, to tell his story to others to ensure that others not make the same bad decisions that he did, clearly taking it on himself to act as a deterrent. It is his position that clearly this type of work will be more a more effective than the fine which was assessed.

III. CONCLUSION

Based upon the forgoing facts and argument, as well as the judgments rendered by your honor in connection with the lack of imposition of a fine in connection with the sentencing of all the other defendants in this matter, , petitioner respectfully requests this Court in the interest of justice, modify a portion of the judgment and vacate the issuance of the fine in the amount of \$32,500.

Dated: New York, New York October 28, 2014

Jason C. Goldfarb

Pro Se

317 East 85th Street Apt #PHC New York, New York 10028

Tel: (917) 691-6684

Email: jasongoldfarb86@gmail.com

CERTIFICATE OF SERVICE

I, Jason Goldfarb, the petitioner who is representing himself, Pro-Se, hereby certify that on February 6, 2015, I caused a copy of the forgoing Writ of Error Coram Nobus to be served via electronic mailing (email) to AUSA Richard Tarlowe at One St. Andrews Plaza,NewYork,NY10007/Richard.Tarlowe@usdoj.gov.

Dated: New York, New York

February 6, 2014

ason Goldfarb

Pro Se Petitioner From: Jason <jfarb86@aol.com>

To: Richard.Tarlowe <Richard.Tarlowe@usdoj.gov>
Subject: Writ Of Coram Nobus Service of Electronic Filing

Date: Fri, Feb 6, 2015 11:01 am

Attachments: Writ Of Coram Nobus 1 - Govt Copy.pdf (2177K), Writ Of Coram Nobus Cont'd 2 - Govt Copy.pdf (1603K)

Mr. Tarlowe,

As we have been discussing and just discussed this morning, attached is a copy of my Pro-Se filing of the Writ Of Coram Nobus with all exhibits. I will be dropping it off to the Court today. I truly thank you for your time and assistance in trying to resolve this matter, as I know how busy you are and how valuable your time is.

When you file the reply letter we discussed, if possible can you please send a copy to me via this email address.

Again thank you for your time and help. I appreciate it.

Sincerely,

Jason Goldfarb

EXHIBIT A

AO 245B

(Rev. 09/08) Judgment in a Criminal Case

Sheet I

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v.	JUDGMENT IN A	CRIMINAL CA	SE
Jason Goldfarb	Case Number: \$1 10	Cr. 56-03 (RJS)	
	USM Number: 62878	-054	
))		
THE DEFENDANT:	Defendant's Attorney		
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Property of the Control of the Contr			
was found guilty on count(s) after a plea of not guilty.		addina additti kata kin pakit Advantanja	
The defendant is adjudicated guilty of these offenses:			•
Title & Section Nature of Offense		Offense Ended	<u>Count</u>
18 USC 371 Conspiracy to Commit Securities F	raud	12/31/2008	1
15 USC 78j(B) and 78ff, Securities Fraud		12/31/2008	111
17 CFR 240.10b-5			*
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.		The sentence is impo	sed pursuant to
☐ The defendant has been found not guilty on count(s)			000000000000000000000000000000000000000
☐Count(s) all open counts ☐ is ☐ are	dismissed on the motion of the	United States.	
It is ordered that the defendant must notify the United States a or mailing address until all fines, restitution, costs, and special assessmented defendant must notify the court and United States attorney of materials.	attorney for this district within 3 ents imposed by this judgment a erial changes in economic circu	0 days of any change re fully paid. If ordere mstances.	of name, residence, d to pay restitution,
	8/19/2011		
	Date of Imposition of Judgment		\mathcal{O}
por		N	
(A. S. in the second se	Signature Pludge		
DOCUMENT ELECTRONICALLY FILED			
TOOC #.	Hon, Richard J. Sullivan Name of Judge	U.S.D.J. Title of Judg	
DATE FILED: 4-22-11	2/10	1	
Boundard State Control of the Contro	Date	/ //	Tolkinskiphika bili rassi historia bili da bili sasara sasara sasara sasara sasara sasara sasara sasara sasara
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AO 245B (Rev. 09/08) Judgment in Criminal Case

Sheet 2 — Imprisonment

Judgment — Page 2 of 6

DEFENDANT: Jason Goldfarb

CASE NUMBER: \$1 10 Cr. 56-03 (RJS)

IMPRISONMENT
The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 36 months on each count, to run concurrently.
The court makes the following recommendations to the Bureau of Prisons: The Court recommends that the defendant be placed at the camp at Fort Dix. If that is not available, the Court recommends placing the defendant at a facility in the New York area where the defendant can receive mental health treatment.
☐ The defendant is remanded to the custody of the United States Marshal.
☐ The defendant shall surrender to the United States Marshal for this district; ☐ at ☐ a.m. ☐ p.m. on ☐ as notified by the United States Marshal. ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: ☐ before 2 p.m. on
as notified by the United States Marshal.
as notified by the Probation or Pretrial Services Office.
RETURN
I have executed this judgment as follows:
Defendant delivered on to
a, with a certified copy of this judgment.
UNITED STATES MARSHAL
By DEPUTY UNITED STATES MARSHAL

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 15 of 72 Case 1:10-cr-00056-RJS Document 238 Filed 08/22/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

DEFENDANT: Jason Goldfarb

CASE NUMBER: \$1 10 Cr. 56-03 (RJS)

Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 years on each count, to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above grug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check. if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of his judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month:
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons:
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shell permit a probation officer to visit hir or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 09/08) Judgment in a Criminal C Sheet 3C — Supervised Release

DEFENDANT: Jason Goldfarb

CASE NUMBER: \$1.10 Cr. 56-03 (RJS)

Judgment—Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall provide the probation officer with access to any requested financial information.
- 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
- 3. The defendant shall participate in an alcohol aftercare treatment program under a co-payment plan, which may include testing via breathalyzer at the direction and discretion of the probation officer.
- 4. The defendant shall participate in a mental health program approved by the U.S. Probation Office. The defendant shall continue to take any proscribed medications unless otherwise instructed by the health care provider. The defendant shall contribute to the costs of services rendered not covered by third-party payment, if the defendant has the ability to pay. The Court authorizes the release of available psychological and psychiatric evaluations and reports to the health care provider.
- 5. The defendant is to report to the nearest Probation Office within 72 hours of release from custody.
- 6. The defendant is to be supervised in his district of residence.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 17 of 72 Case 1:10-cr-00056-RJS Document 238 Filed 08/22/11 Page 5 of 6

AO 245B

Sheet 5 — Criminal Monetary Penalties

Restitution amount ordered pursuant to plea agreement \$

the interest requirement is waived for the

☐ the interest requirement for the

to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

fine []

6 Judgment - Page

DEFENDANT: Jason Goldfarb CASE NUMBER: \$1 10 Cr. 56-03 (RJS) CRIMINAL MONETARY PENALTIES The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6. Restitution Asserament **TOTALS** \$ 32,500.00 \$ 200.00 ☐ The determination of restitution is deferred u.i.i . An Amended Judgment in a Criminal Case (40 245C) will be entered after such determination. The defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order of percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Name of Payee Total Loss* Restitution Ordered Priority or Percentage **TOTALS** 0.00 0.00

* Findings for the total ame get of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

☐ fine ☐ restitution.

restitution is modified as follows:

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 18 of 72 Case 1:10-cr-00056-RJS Document 238 Filed 08/22/11 Page 6 of 6 Sheet 6 --- Schedule of Payments

AO 245B

DEFENDANT: Jason Goldfarb

CASE NUMBER: \$1.10 Cr. 56-03 (RJS)

Judgment — Page 6 of

SCHEDULE OF PAYMENTS

nav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A		Lump sum payment of \$ 200.00 due immediately, balance due
		☐ not later than , or ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
В		Payment to begin immediately (may be combined with \[\] C, \[\] D, or \[\] F below); or
С		Payment in equal (e.g., weakly, monthly, querterly) installments of \$ over a period of iteg., monthly or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	W	Special instantions regarding the payment of criminal monetary penalties:
		If the defendant is engaged in a BOP non-UNICOR program, he shall pay \$25 per quarter toward the criminal financial penalties. However, if the defendant participates in the BOP's UNICOR program as a grade 1 through 4, the defendant shall pay 50% of his monthly UNICOR earnings toward the criminal financial penalties, consistent with BOP regulations at 28 C.F.R. 545/11. The balance of the fine shall be paid at the rate of 10% of gross monthly income over a period of supervision to commence 30 days after release from custody.
Unle impi Resi	ess the risonr ponsi	e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due duri ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financ bility Program, are made to the clerk of the coun.
		ndant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	t and Several
	Defe and	endant and Co. Dulendro: Nomes and Case Numbers the huning defendant number), Total Amount, Joint and Several Amount, corresponding payee, it appropriate.
	The	defendant shall pay the cost of prosecution.
	The	defendant the pay the fellowing court cost(s):
V		defendant shall forfeit the defendant's interest in the following property to the United States: separate (crieiture order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT B

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v.)))	U DGMEN T	Γ IN A CRIN	MINAL CAS	£
Arthur Cutillo) U	asc Number: SM Number: atherine Rec		JS)	
THE DEFENDANT:		fendant's Attorne		- 3	and the second of the second o
Deaded quilty to country Land III					
pleaded noto contendere to count(s) which was accepted by the court.					
☐ was found guilty on count(s) after a plea of not guilty.				and the second s	egyttetti tila tila tila tila tila tila tila t
The defendant is adjudicated guilty of these offenses:					
Title & Section Nature of Offense			Offense	e Ended	Count
18 USC 371 Conspiracy to Commit Securities	Fraud		12/31	/2008	
15 USC 78j(b) and (ff) Securities Fraud			12/31	/2008	111
	dismissed	on the motio	n of the United		
It is ordered that the defendant must notify the United States or mailing address until all fines, restitution, costs, and special assess the defendant must notify the court and United States attorney of ma	attorney fo nents impos iterial chang	r this district v ed by this judg ges in econom	vithin 30 days o gment are fully p ic circumstance	f any change of roaid. If ordered to s.	name, residence, pay restitution,
	6/30/20 Date of Imp	11 osition of Judgme	ent		ani maganagan ang akara kampa sa .
USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7-1-11	Signature of Hon. Ric Name of Jud	hard J. Sulliv		U.S.D.J. Title of Judge	
The state of the s	6/30/201 Date	1	PART TO THE STATE OF THE STATE	I I I A A A A A A A A A A A A A A A A A	***

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 21 of 72 Case 1:10-cr-00056-RJS Document 220 Filed 07/01/11 Page 2 of 6

AO 245B (Re

(Rev. 09/08) Judgment in Crimmal Case Sheet 2 — Imprisonment

	NDANT: Arthur Cutillo NUMBER: 10 Cr. 56 (RJS)	dgment — Page 2 of	<u> 6</u>
	IMPRISONMENT		
total term	The defendant is needby committed to the custody of the United States Bureau of Prisons to m of:	be imprisoned for a	
30 mor	onths on each count, to run concurrently.		
Ø 1	The court makes the following recommendations to the Bureau of Prisons:		
The Co	ourt strongly recommends that the defendant be assigned to the camp at Fort Dix.		
	The defendant is remanded to the custody of the United States Marshal.		
П	The defendant shall surrender to the United States Marshal for this district:		
	aí p.tn. on	•	
	as notified by the United States Marshal.		
П	The defendant shall surrender for service of sentence at the institution designated by the But	eau of Prisons:	
Ę	before 2 p.m. on 9/16/2011		
	as notified by the United States Marshal.		
	as notified by the Probation or Pretrial Services Office.		
	RETURN		
I have ex	xecuted this judgment as follows:		
c	Defendant delivered on to		
	, with a certified copy of this judgment.		(a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c
	UNIT	ED STATES MARSHAL	TO STATE OF THE ST

Ву

DEPUTY UNITED STATES MARSHAL

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 22 of 72 Case 1:10-cr-00056-RJS Document 220 Filed 07/01/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

DEFENDANT: Arthur Cutillo CASE NUMBER: 10 Cr. 56 (RJS) Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

2 years on each count, to run concurrenty.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. At heak, if applicable.)

The defendant shart not respects a firearm, ammunition, destructive device, or any other dangerous weapon. (Check if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a stadent, or was consisted of a qualifying offense. (Check, tj applicable.)

The defendant shall participate in an approved program for domestic violence. (Check. of applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments ancet of this judgment.

The defendant mage comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons:
- 6) the defendant shall portfly the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendent chall retrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant that has beginne places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant sind that associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant on Il permit a storation officer to visit him in her at any time of home or elsewhere and shall permit confiscation of any contraband observed in plant view of the probation officer,
- 11) the defendant shad notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Case 1:15-cy-00959-RJS Document 1 Filed 02/06/15 Page 23 of 72

AO 245B (Rev. 09/08) Judginshi in a Clim Sheet 3C -- Supervised Relative

DEFENDANT: Archar Cutillo CASE NUMBER: 10 Cr. 56 (RUS)

Judgment—Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall provide the probation officer with speaks to any requested financial information.
- 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
- 3. The defendant shall participate in an alcohol aftercare treatment program under a co-payment plan, which may include testing via breathalyzer at the direction and discretion of the probation officer. The Court authorizes the release of available drug and alcohol treatment evaluations and topics to the alcohol aftercare treatment provider, as approved by the Probation Officer.
- 4. The defendant is to report to the nearest Probation Office within 72 hours of release from custody.
- 5. The detendant of oil be depervised in his district of residence.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 24 of 72 (Rev. 09/08) Judgiffest in a Christian Case 15 Document 220 Filed 07/01/11 Page 5 of 6 Sheet 5 -- Criminal Monetary Penalties AO 245B

DE CA	EFENDANT: ASE NUMBER	Arthur Cutillo R: 10 Cc. 56 (RUS	The second secon	The second secon	Other market is also for the second s		Judgment — Pag	ge 5 of 6
		,		AL MOI	VETARY	PENAI	LTIES	
	The defendan	t must pay the total o	riminal moneta	ry penalties	under the sch	iedule of p	payments on Sheet 6	5.
TC	DTALS §	<u>Assessment</u> 200.00		\$	<u>Tine</u>		<u>Restitı</u> \$	ution
	The determina	ntion of restitution is ermination.	deferred until	The world of the control of the cont	. All Amen	ded Judg	ment in a Crimina	al Case (40 245C) will be entered
	The defendan	t mosi make restitutio	on (including co	ommunity re	stitution) to t	he followi	ng payees in the am	nount listed below
								nt, unless specified otherwise in nonfederal victims must be paid
Na	me of Payee				I Lucs*		estitution Ordered	
			A A					
TO	ΓALS	\$		0.00	\$		0.00	
	Restitution an	nount ordered pursua	nt to plea agree	ment \$				
	The defendant fifteenth day a	t must pay interest or	restitution and	a fine of m	ore than \$2,50	M) unless	the rectitution or fir	ne is paid in full before the on Sheet 6 may be subject
		ermined that the defe				erest and i	t is ordered that:	
		st requirement is wai			restitution			
	the interes	st requirement for the	e 🗍 fine	□ restitu	ition is modif	ied as foll	ows:	

^{*} Findings for the total arms of of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B

DEFENDANT: Arthur Cutillo CASE NUMBER: 10 Cr. 56 (RJS) Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Hav	ing a	issessed the defend, of a ability to pay, payment of the total criminal monetary penalties is due as follows:
A	_	Lump sum payment of \$ 200.00 due immediately, balance due
		☐ not later than, or in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
В		Payment to begin immediately (may be combined withC,F below); or
С		Promort in 2014 (e.g. weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 50 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release wall commence within (e.g., 30 or 60 days) after release from imprisonment. The court will see the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special instantions regarding the payment of criminal monetary penalties:
		e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financially Program, are made to the eterk of the countribution in the federal bureau of Prisons' Inmate Financial payments of the countribution in the federal bureau of Prisons' Inmate Financial payments previously made toward any criminal monetary penalties imposed.
	Join	at and Severa!
	Defe and	endom and Confedentism Name sum Case Numbers the lump defindant number), Total Amount, Joint and Several Amount, corresponding payee, in appropriate.
	The	desendant shall pay the cost of prosecution.
	The	december and a greater contenting among control of the control of
A		defendant small forfeit the defendant's interest in the following property to the United States: e separate forfsiture order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) panalties, and (\mathcal{E}) vosts, including cost of prosecution and court costs.

EXHIBIT C

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet I

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v.) JUDGMENT	IN A CRIMINAL CA	SE
Michael Kimelman) Case Number: USM Number:	S1: 10 Cr. 56-06 Awaited	
)) Michael Somm	ner	
THE DEFENDANT:	Defendant's Attorney	у	
pleaded guilty to count(s)			
pleaded nolo contendere to count(s) which was accepted by the court.		***************************************	
was found guilty on count(s) 46, 12 after a plea of not guilty.			
The defendant is adjudicated guilty of these offenses:			
Title & Section Nature of Offense		Offense Ended	Count
18 USC 371 Conspiracy to Com	Securities Fraud	11/5/2009	2
15 USC 78j(b) and 78ff Securities Fraud		11/5/2009	6, 12
The defendant is sentenced as provided in page the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(Count(s) all open counts It is ordered that the defendant must notify the or mailing address until all fines, restitution, costs, and the defendant must notify the court and United States	s are dismissed on the motio		
the defendant must notify the court and United States		ic circumstancés.	
	10/12/2011 Date of Imposition of Judgmo	ent	شدديني ورد وشيستك دويونونونونونوناديوونونيد يو شطك ويونونونو، و
	Signature of Judge		
USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #:	Hon. Richard J. Sulli Name of Judge	ivan U.S.D.J. Title of Judg	
DATE FILED: <u>10-13-11</u>	Date		

ase 2:15-6v-00959-RJS Document 1 Filed 02/06/15 Page 28 of 72 Document 288 Filed 10/13/11 Page 2 of 6

AO 245B

(Rev. 09/08) Judgment in Criminal Case Sheet 2 — Imprisonment

Judgment - Page DEFENDANT: Michael Kimelman CASE NUMBER: S1: 10 Cr. 56-06 **IMPRISONMENT** The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 30 months on each count, to run concurrently. The court makes the following recommendations to the Bureau of Prisons: For reasons more fully developed in the Pre-Sentence Report, the Court strongly recommends that the defendant be designated to the Satellite Camp at Lewisburg, Pennsylvania, to facilitate family visitation and alcohol treatment. Additionally, the Court strongly recommends that the defendant be enrolled in the 500-hour Residential Drug Assistance Program. ☐ The defendant is remanded to the custody of the United States Marshal. ☐ The defendant shall surrender to the United States Marshal for this district: □ a.m. as notified by the United States Marshal. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: ☐ before 2 p.m. on 12/12/2011 as notified by the United States Marshal. as notified by the Probation or Pretrial Services Office. RETURN I have executed this judgment as follows: Defendant delivered on , with a certified copy of this judgment. UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

Case 1:15-cy-00959-RJS Document 1 Filed 02/06/15 Page 29 of 72 Case 1:10-cr-00056-RJS Document 288 Filed 10/13/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

DEFENDANT: Michael Kimelman CASE NUMBER: \$1: 10 Cr. 56-06

Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 years on each count, to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low future substance abuse. (Check, if applicable.)	risk c
Inc above drug testing condition is suspended, based on the court's determination that the defendant poses a low future substance abuse. (Check, if applicable)	•

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable,)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 30 of 72 (Rev. 09/08) Judgment in a Criminal Case 4 of 6

AO 245B (Rev. 09/08) Judgment in a Crim Sheet 3C — Supervised Release

DEFENDANT: Michael Kimelman CASE NUMBER: S1: 10 Cr. 56-06

Judament Boso 4 of 6				
Judgment—Fage 01 0	Judgment-Page	4	of	6

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall provide the probation officer with access to any requested financial information.
- 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 3. The defendant shall participate in an alcohol aftercare treatment program under a co-payment plan, which may include testing via breathalyzer at the direction and discretion of the probation officer.
- 4. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation officer has a reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.
- 5. The defendant shall report to the nearest Probation Office within 72 hours of release from custody.
- 6. The defendant shall be supervised in the district of his residence.

AO 245B

Sheet 5 — Criminal Monetary Penalties

Judgment — Page ____5

DEFENDANT: Michael Kimelman CASE NUMBER: \$1: 10 Cr. 56-06

CRIMINAL MONETARY PENALTIES

	The defendant must pay the total criminal mo	netary penalties u	nder the sche	dule of payments on Sheet 6.				
то	Assessment \$ 300.00	\$ <u>F</u>	<u>'ine</u>	Restitut \$	<u>ion</u>			
	The determination of restitution is deferred unafter such determination.	ril	An Amend	ed Judgment in a Criminal	Case (AO 245C) will be entered			
	The defendant must make restitution (including	ng community res	titution) to the	e following payees in the amo	ount listed below.			
	If the defendant makes a partial payment, each the priority order or percentage payment colubefore the United States is paid.							
Nai	Name of Payee		Loss*	Restitution Ordered	Priority or Percentage			
TO	TALS \$	0.00	\$	0.00				
	Restitution amount ordered pursuant to plea a	ngreement \$						
	The defendant must pay interest on restitution fifteenth day after the date of the judgment, p to penalties for delinquency and default, purs	ursuant to 18 U.S	.C. § 3612(f).	0, unless the restitution or fin All of the payment options	e is paid in full before the on Sheet 6 may be subject			
	The court determined that the defendant does not have the ability to pay interest and it is ordered that:							
	the interest requirement is waived for the fine restitution.							
	☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:							

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 32 of 72 Case 1:10-cr-00056-RJS Document 288 Filed 10/13/11 Page 6 of 6 (Rev. 09/08) Judgment in a Criminal Case Sheet 6 — Schedule of Payments

AO 245B

DEFENDANT: Michael Kimelman CASE NUMBER: S1: 10 Cr. 56-06

Judgment - Page	6	of	6
•			***************************************

SCHEDULE OF PAYMENTS

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:						
A Lump sum payment of \$ 300.00 due immediately, balance due								
		not later than , or in accordance						
В		Payment to begin immediately (may be combined with $\square C$, $\square D$, or $\square F$ below); or						
С		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or						
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or						
E		Payment during the term of supervised release will commence within						
F		Special instructions regarding the payment of criminal monetary penalties:						
		e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial bility Program, are made to the clerk of the court. Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.						
	Join	at and Several						
	Defe and	endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.						
	The	defendant shall pay the cost of prosecution.						
	The	defendant shall pay the following court cost(s):						
4		defendant shall forfeit the defendant's interest in the following property to the United States: e separate forfeiture order.						

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT D

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

STIPULATION

- v. -

S1 10 Cr. 56 (RJS)

JASON GOLDFARB,

Defendant.

WHEREAS, on April 7, 2011, JASON GOLDFARB, (the "defendant"), was charged in an Indictment S1 10 Cr. 56 (RJS) (the "Indictment"), with two counts of conspiracy to commit securities fraud, in violation of 18 U.S.C. § 371 (Counts One and Two), and three counts of securities fraud, in violation of 15 U.S.C. §§ 78j(b) & 78ff, 17 C.F.R. §§ 240.10b-5 and 240.10b5-2 and 18 U.S.C. § 2 (Counts Three, Eight and Eleven);

WHEREAS, the Indictment included a forfeiture allegation, pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. § 2461(c), seeking forfeiture to the United States of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in the Indictment;

WHEREAS, on April 21, 2011, the defendant pled guilty to Counts One and Three of the Indictment and admitted to the

forfeiture allegation pursuant to a plea agreement with the Government:

WHEREAS, on August 19, 2011, the defendant was sentenced and the Court entered a forfeiture money judgment in the amount of \$1,103,131.00 in United States Currency.

IT IS HEREBY STIPULATED AND AGREED, by and between United States of America, by its attorney, PREET BHARARA, by Assistant United States Attorney, Sharon Cohen Levin, and Jason Goldfarb, and his counsel, Evan T. Barr, Esq., that:

- 1. The payment of \$30,000.00 on or before December 18, 2012 shall be treated as payment in full of the defendant's forfeiture obligation and the forfeiture money judgment shall be deemed fully satisfied.
- 2. Such payment shall be made by postal money order, bank or certified check, made payable in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York,

New York 10007 and shall indicate the defendant's name and case number.

PREET BHARARA

United States Attorney for the Southern District of New York Attorney for Plaintiff One St. Andrew's Plaza New York, New York 10007 212-637-1060

SHARON COHEN LEVIN

Chief, Asset Forfeiture Unit Assistant United States Attorney DATE

12/17/19

JASON GOLDFARB

Defendant

DATE

12/4/12

EVAN T. BARR

Attorney for Defendant Steptoe and Johnson LLP 1114 Avenue of the Americas New York, New York 10036 212-506-3900 DATE

11/27/12

EXHIBIT E

AO 245B

(Rev. 09/08) Indoment in a Criminal Case Sheet I

UNITED STATES DISTRICT COURT

Southern District of New York

	RICA JUDGME	NT IN A CRIMINAL CA	SE
Emanuel Goffer	<i>;</i>	er: S1: 10 Cr. 56 er: 62880-054	
THE DEFENDANT:	Defendant's Atto	rney	
pleaded guilty to count(s)	The state of the s		
Diploaded note content to the			
was found guilty on count(s) 2, 5, 9 after a plea of not guilty.			
The defendant is adjudicated guilty of these of	flenses:		
Title & Section Nature of Offer	nse	Offense Ended	Count
18 USC 371 Conspiracy to	o Commit Securities Fraud	11/4/2009	2
15 USC 78j(b) & 78ff Securities Fra	aud	11/4/2009	5, 9
The defendant is sentenced as provided the Sentencing Reform Act of 1984.	I in pages 2 through 6 of this j	udgment. The sentence is impo	sed pursuant to
the Sethenenia Reform Met of 1904.			
☐ The defendant has been found not guilty on	count(s)		
	to the first terminal and the second	tion of the United States.	
☐ The defendant has been found not guilty on	is Ware dismissed on the mo		of name, residence, d to pay restitution,
☐ The defendant has been found not guilty on Count(s) all underlying counts	is Ware dismissed on the mo	et within 30 days of any change of a degree that are fully paid. If ordere omic circumstances.	of name, residence, d to pay restitution,

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 40 of 72 Case 1:10-cr-00056-RJS Document 283 Filed 10/07/11 Page 2 of 6

(Rev. 09-03) Judgment in Crininal Case
Sheet 2 · · · Imprisonment AQ 245B

DEFENDANT: Emanuel Goffer CASE NUMBER: \$1: 10 Cr. 56

Í Ji	idgment	Page	2	of	6

DEPUTY UNITED STATES MARSHAL

	IMPRISONMENT
total ten	The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a m of:
36 mo	nths on each count, to run concurrently.
alpha	The court makes the following recommendations to the Bureau of Prisons:
particu	ourt strongly recommends that the defendant be designated to FCI Otisville so that the defendant's family members, planty his children, may visit him. The Court also recommends that the defendant be enrolled in the 500-hour ential Orag Assistance Program so that the defendant can receive treatment for his alcohol problem.
	The defendant is remanded to the custody of the United States Marsnal.
	The defendant shall surrender to the United States Marshal for this district:
	□ a.m. □ p.m on
	as notified by the United States Murshal.
Ø	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before 2 p.m. on 12/7/2011
	as not fied by the United States Marshal.
	El as nortied by the Probation of Preside Services Office.
	RETURN
I have e	xecutad anis jungment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL

Case 1:10-cr-00056-RJS Document 283 Filed 10/07/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case Sheet 3 --- Supervise the case

DEFENDANT: Emanuel Goffer CASE NUMBER: \$1:10 Cr. 56

3__ of 6 Judgment-Page ___

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of ;

3 years on each count, to run concurrently.

The defendant years report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime

The defendant shall not untawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

	The above arrog costing conducton is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable i
Ø	The defendant shown is a fireanti, ammutation, describing device, or any other dangerous weapon. (Check, & applicable.)
Ø	The defendant shift cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall comply with the requirements of the Sex Offender Registration and Netification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check y appreciate.)
	The defendant shall purticipate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments speci of this judgment.

The defendancement complex wan the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- the defendant that not leave the indicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a multiful and complete written report within the first five days of each more
- 3) the defendant shall answer muthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the detengent shall support his or her dependents and meet other family responsibilities;
- the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other 5) acceptible reasons
- the defendant the Broadly the probation officer at least ten days prior to any change in residence or employment; 6)
- the defendant shall refrain from one essays and of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the colore on the liquid acceptage with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unioss granted permission to do so by the probation officer,
- the defineent sold permit approach is the confiscation of visit of the confiscation of any contrasting of the probation of th
- the deletion a small willy die probation officer within seventy-two nears of being arrested or questioned by a law enforcement officer; 11)
- 12) the defendant shall not enter into any agreement to act as an infermer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the protocon officer, the defendant shall rectify third parties of risks that may be occasioned by the defendant's criminal record or parsonal restory of characteristics and shall point the probation officer to make such notifications and to confirm the deserted compliance with such notification requirement.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 42 of 72

AO 245B

Cisse Life-Cr-00055-RJE Document 283 Filed 10/07/11 Page 4 of 6 Sheet 30 - but would Relace A COLUMN TO A COLUMN SAN THE S

DEFENDANTE	Emanusi	Coffer
CASE NUMBER		

Judgment—Page	4	of	6

Special conditions of supervision

- 1. The defendant shall provide the probation officer with access to any requested financial information.
- 2. The defendant scor normal new credit marges or open additional lines of credit without the approval of the probation officer.
- 3. The defendant shall participate in an alcohol aftercare areatment program under a co-payment plan, which may include testing via breathalyzer at the direction and discretion of the probation officer.
- 4. The defectiont shall provide pate in a mental health program approved by the U.S. Probation Office. The defendant shall continue to take any processived medications emoss otherwise metrected by the health care provider. The defendant shall contribute to the could be enriced rendered not covered by third-party payment, if the defendant has the ability to pay. The Court authorizes the release of available psychological and psychiating availations and reports to the health care provider.
- 5. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation sitioar has a reasonable belief that contraband or evidence of a violation of the conditions of the refease may be found. The search must be conducted at a reasonable time and in reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be abbits of the earth posserum to the oboth how.
- 6. The defendant or of explain to the nearest Proposition Office and the 72 hours of release from custody.
- 7. The defendant small be supervised in the district of his residence.

Document 1 Filed 02/06/15 Page 43 of 72 S Document 283 Reset 10/07/21 Page 5 of 6 Document 283 Felsci 10/07/11 Page 5 of 6 AO 245B Crimina, Francia y Penricos Judgment --- Page DEFENDAN I: Emunuel Geffer 6 CASE NUMBER: \$4:40 Cr. 56 CRIMINAL MONETARY PENALTIES The defendant must pay the total criminal monetary penaltics under the schedule of payments on Sheet 6. H sein. Physics and as and Resilitation TOTALS 5 307 00 ☐ The determination of restitution is deferred until . in Amended Judgment in a Criminal Case (AO 245C) will be entered after such desermination. ☐ The defeach in must rivide sestitution (including community restitution) to the following payees in the amount listed below. If the defensed trackes a partial payment, each payment each payment an approximately proportioned payment, unless specified otherwise in the priority order of personage payment column below. However, pursuant to 18 U.S.C. § 3604(i), all nonfederal victims must be paid before the United States is paid. Name of Payer Restitution Ordered Priority or Percentage You at Lace

TO	LS 0.00 5 0.00
	testitution amount ordered persuant to plea agreement. \$
	The detendant must pay interest on restitution and a fine or more than \$2,500, unless the restitution or fine is paid in full before the ifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject penalties for define across and default, pursuant to 18 U.S.C. § 3612(g).
	The court determined the she defindant does not have the ability to pay interest and it is ordered that: the interest requirement is waived for the fine restitution. the interest requirement for the fine restitution is modified as follows:

^{*} Findings for the total who all of houses and required under Chapters 1094, 113, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1995, but before April 23, 1995

AO 245B

Judgment - Page

6 of 6

DEFENDANT: Emanage Gober CASE NUMBER: ST: 10 CV: 56

SCHEDULE OF PAYMENTS

Ha	ving a	issessed the detendent's ability to pay, payment of the total criminal monetary penalties is due as follows:
A	_	Lump sum payment of S 300.00 due immediately, balance due
		C no late: that c no cordance C, C D, E E, or F below; or
В		Payment to begin immediately (may be commined with CAC, D. or F below); or
С		Parement in mina (i.g., worldy, monthly, querosphy installments of S over a period of the production, or community (i.g., in oid days) when the date of this judgment; or
D		Payment in equit. (e.g., weekly, monthly, quarterly) installments of \$ over a period of five member or years), to commence (e.g., 36 or 60 days) after release from imprisonment to a term of supervisive; or
E		Payment during the term of supervised referes mill commences within (e.g., 30 or 60 days) after release from imprironment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special as social anguality in pranch of altehor menotory perulilas:
Res	ponsi	e court has express by ordered otherwise, it this judgment imposes imprisonment, payment of criminal monetary penalties is due duri ment. All Cameria stonetary penalties, execut those payments diade through the Federal Bureau of Prisons' Inmate Financibility arogram, ere made to the electronic or the cauti. Indust shall receive credit for all payments previously made toward any criminal monetary penalties imposed. In and Several
LJ		
	and	er new 1000 to 1800. Menne 27 day 1800 Madem our entry comendant cambor), Total Amount, coint and Several Amount, consequences in appropriate.
	The	detendant shall pay the cost of prosecution.
	The	we stadement of the original properties of
3.A	The	defendant such forfeit the defendant's interest in the following property to the United States:
	Se	e separate forfatura order.
Dav	maran for	e chord is a constitute for the full continuous and an extraction of the constitute

Payments shad be applied in the following order: (1) assessment. (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) continuity statistics, (7) penalties, and (3) costs, including cost of prosecution and court costs.

EXHIBIT F

AO 245B

(Rev. 09/08) Judgment in a Criminal Case

Sheet

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA) JUDGMENT IN A	CRIMINAL CAS	SE .
V. ,)		
David Plate	Case Number: 10 Cr.	56-07	
) USM Number: 62879	0-054	
) Roland Riopelle		
THE DEFENDANT:	Defendant's Attorney		
The landed will the second 10			
which was accepted by the court.			
was found guilty on count(s) after a plea of not guilty.			
The defendant is adjudicated guilty of these offenses:			•
Title & Section Nature of Offense		Offense Ended	Count
18 USC 371 Conspiracy to Commit Securities	Fraud	12/31/2008	2
15 USC 78j(b) & 78ff Securities Fraud		12/31/2008	10
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.	6 of this judgment.	The sentence is impo	sed pursuant to
☐ The defendant has been found not guilty on count(s)		·	
Count(s) all open counts is are	dismissed on the motion of the	United States.	
It is ordered that the defendant must notify the United States or mailing address until all fines, restitution, costs, and special assessment the defendant must notify the court and United States attorney of materials.	attorney for this district within 3 cnts imposed by this judgment a crial changes in economic circu	30 days of any change or fully paid. If ordere amstances.	of name, residence, d to pay restitution,
	11/2/2011 Date of Imposition of Judgment		
USDS SDNY DOCUMENT	Signature Judge		
ELECTRONICALLY FILED DOC #:	Hon. Richard J. Sullivan	U.S.D.J. Title of Judg	
DATE FILED: 11-1-11	11/2/2011 Date		

AO 245B (Rev. 09/08) Judgment in Criminal Case Sheet 2 — Imprisonment

DEFENDANT: David Plate CASE NUMBER: 10 Cr. 56-07

Judgment - Page	2	of	6

IMPRISONMENT

	ALIMA MESOLATIVALITA A
total ter	The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a m of:
N/A	
П	The court makes the following recommendations to the Bureau of Prisons:
لسا	The court makes the following recommendations to the Bureau of Prisons.
	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	at p.m. on .
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before 2 p.m. on .
	as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have	executed this judgment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	By
	DEPUTY UNITED STATES MARSHAL

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 48 of 72 Case 1:10-cr-00056-RJS Document 297 Filed 11/02/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case

Sheet 4-Probation

Judgment—Page 3 of 6

DEFENDANT: David Plate CASE NUMBER: 10 Cr. 56-07

PROBATION

The defendant is hereby sentenced to probation for a term of:

3 years, with 6 months home confinement, on each count, to run concurrently.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check. if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check. if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev

Sheet 4C — Probation

DEFENDANT: David Plate CASE NUMBER: 10 Cr. 56-07

	4	_	_
JudgmentPage	4	of.	n
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SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall comply with the conditions of home confinement for a period of six months. During this time the defendant will remain at his place of residence except for employment and other activities approved by the probation officer. The defendant will maintain a telephone at his place of residence without call forwarding, a modem, caller ID, call waiting, or portable cordless telephone for the above period. At the direction of the defendant's probation officer, the defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the defendant's probation officer. Home confinement shall commence on a date to be determined by the probation officer. The defendant shall pay the costs of home confinement on a self payment or copayment basis as directed by the probation officer.
- 2. The defendant shall provide the probation officer with access to any requested financial information.
- 3. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 4. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation officer has a reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.
- 5. The defendant shall report to the nearest Probation Office within 24 hours.
- 6. The defendant shall be supervised in the district of his residence.

AO 245B Sheet 5 — Criminal Monetary Penalties

DEFENDANT: David Plate CASE NUMBER: 10 Cr. 56-07

Judgment Page	5	of	6

CRIMINAL MONETARY PENALTIES

	The defendan	t must pay the total criminal	monetary penalties	s under the scho	edule of payments on Sheet 6.	
то	TALS §	Assessment 200.00	\$	<u>Fine</u>	Restitut \$	ion_
	The determina after such det		d until	. An Amend	ded Judgment in a Criminal	Case (40 245C) will be entered
	The defendan	t must make restitution (inc	luding community r	restitution) to th	ne following payees in the amo	ount listed below.
	If the defendathe priority of before the University	int makes a partial payment, rder or percentage payment ited States is paid.	each payee shall re column below. Ho	ceive an appro wever, pursuar	ximately proportioned paymer nt to 18 U.S.C. § 3664(i), all n	et, unless specified otherwise in onfederal victims must be paid
Nar	ne of Payee		To	tal Loss*	Restitution Ordered	Priority or Percentage
то	TALS	\$	0.00	\$	0.00	
	Restitution	amount ordered pursuant to	plea agreement \$		and the first part of the second of the seco	
	fifteenth day	ant must pay interest on rest y after the date of the judgm for delinquency and default	ent, pursuant to 18	U.S.C. § 36120	500, unless the restitution or fi (f). All of the payment option	ine is paid in full before the s on Sheet 6 may be subject
	The court de	etermined that the defendant	t does not have the	ability to pay is	nterest and it is ordered that:	
	☐ the inte	rest requirement is waived t	for the 🔲 fine	restituti	on.	
	the inte	rest requirement for the	☐ fine ☐ re	stitution is mod	dified as follows:	

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B

Sheet 6 --- Schedule of Payments

- Page 6 of

6

DEFENDANT: David Plate CASE NUMBER: 10 Cr. 56-07

SCHEDULE OF PAYMENTS

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:		
A	₩	Lump sum payment of \$ 200.00 due immediately, balance due		
		not later than , or in accordance C, D, E, or F below; or		
В		Payment to begin immediately (may be combined with C, D, or F below); or		
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or		
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or		
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or		
F		Special instructions regarding the payment of criminal monetary penalties:		
		ne court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due duri ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financi ibility Program, are made to the clerk of the court.		
_				
	Def	nt and Several fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, I corresponding payee, if appropriate.		
	The	e defendant shall pay the cost of prosecution.		
	The	e defendant shall pay the following court cost(s):		
₩	The	e defendant shall forfeit the defendant's interest in the following property to the United States:		
	Se	ee separate forfeiture order.		
Pay (5)	ment fine i	is shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.		

EXHIBIT G

AO 245B

(Rev. 09/08) Judgment in a Criminal Case

Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED S	TATES OF AMERICA v.) JUDGMENT IN	A CRIMINAL CA	SE
	Craig Drimal	Case Number: S1:	10 Cr. 56-04 (RJS)	
		USM Number: 628	81-054	
) JaneAnne Murray		
THE DEFENDANT	, ,	Defendant's Attorney		
pleaded guilty to coun	t(s) 2, 4, 7, 10, 13, and 14			
pleaded noto contende which was accepted by	• 7			
was found guilty on coafter a plea of not guil	· ·			
The defendant is adjuste.	ared guilty of these offenses:			
Title & Section	Nature of Offense		Offense Ended	Count
18 USC 371	Conspiracy to Commit Securi	ties Fraud	11/5/2009	
15 USC 78j(b) & 78ff	Securities Fraud		11/5/2009	4, 7, 10,
				13, 14
	sentenced as provided in pages 2 throug			
☐ The defendant has bee	en found not guilty on count(s)			
Count(s) ail open	counts 🔲 is 😺	are dismissed on the motion of t	the United States.	
lt is ordered that or mailing address until a the defendant must notify	the defendant must notify the United St Il lines, restitution, costs, and special assi y the court and United States attorney of	ates attorney for this district within essments imposed by this judgmen f material changes in economic cir	n 30 days of any change t are fully paid. If ordere cumstances.	of name, residence, d to pay restitution,
		8/31/2011 Date of Imposition of Judgment		y
USDS SDN DOCUME. ELECTRO	Ų į	Signatur Quyudge	Swe	QJ-
DOC #: DATE FIL		Hon, Richard J. Sullivan Name of Judge	U.S.D.J. Title of Judg	
Manager and Annual Property and Annual Propert	The second secon	8/31/2011 Date		

Case 1:10-cr-00056-RJS Document 261 Filed 08/31/11 Page 2 of 6

AO 245B (Rev. 09/08) Judgine it in Criminal Case

Sheet 2 - Imprisonment Judgment - Page 2 6 DEFENDANT: Craig Drimal CASE NUMBER: \$1: 10 Cr. 56-64 (RJS) IMPRISONMENT The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 60 months on Count 2, 66 atonths on Counts 4, 7, 10, 13, and 14, all counts to run concurrently. The court makes the following recommendations to the Bureau of Prisons: The Court strongly recommends that the detendant be designated to FCI Schuylkill, so he may participate in the Residential Drug Assistance Program. ☐ The defendant is remanded to the custody of the United States Marshal. ☐ The defendant shall surrender to the United States Marshal for this district: □ at [] p.m. □ n.m. as notified by the United States Marshal. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: before 2 p.m. on 10/31/2011 as cotified by the United States Marshal. as notified by the Proportion or Pretrial Services Office. RETURN I have executed this judgment as follows:

Defendant delivered en	to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL

Βv	
•	DEPUTY UNITED STATES MARSHAL

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 55 of 72 Case 1:10-cr-00056-RJS Document 261 Filed 08/31/11 Page 3 of 6

AO 245B (Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

DEFENDANT: Craig Drimat

Judgment—Page 3 of 6

CASE NUMBER: \$1: 10 Cr. 56-04 (RJ\$)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

3 years on each count, to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Poscus.

The defendant snall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

	The above caring testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance process. A back of applicable.)
A	The defendant enable set possess a firearm, animanition, desirective device, or any other dangerous weapon. (Check, if applicable.) The defendant shall enoperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et sequented by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, in a student, or was convicted of a qualifying offense. (Check, if applicable.)

The detendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this lodgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments should of this judgment.

The ne hards in anost comply with the standard conditions may have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant sh. If not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shah report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the detendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant stant work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant of the probation officer at least the days prior to any change in residence or employment;
- 7) the coloniant of the balance of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant stall much equent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant study not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation of five a to violable to the actual time as home or elsowhere and shall permit confiscation of any commonand observed in plain view of the probation officer;
- 11) the antendam small notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informet or a special agent of a law enforcement agency without the permission of it, court and
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall period the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 56 of 72 Case 1:10-cr-00056-RJS Document 261 Filed 08/31/11 Page 4 of 6

AO 245B

(Rev. 09/08) Lidgment in a Criminal Car

Shoet 3C — Supervised Keleage

Judgment—Page 4 of 6

DEFENDANT. Craig Drimat

CASE NUMBER: \$1: 10 Or. 56-64 (RJS)

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall provide the probation officer with access to any requested financial information.
- 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 3. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be so jest to search pursuant to this condition.
- 4. The defendant phase report to the meanest i-robation Omoe within 72 hours of release from custody.
- 5. The defendant shall be supervised in the district of his residence.

(Rev. 09-08) Judgenian in a Common Case 1:10-cr-00056-RJS Document 26:1. Filed 08/31/11 Page 5 of 6

AO 245B Sheet 5 - Crimonal Monotony Penalties 5 Judgment - Page DEFENDANT: Craig Drimal CASE NUMBER: \$1: 10 Ct. 56-04 (RJS) CRIMINAL MONETARY PENALTIES The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6. All oblinion Restitution **TOTALS** \$ 600.00 ď, The determination of restriction is deferred until . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination. The defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendent makes a partial payment, each payce shall receive an approximately proportioned payment, unless specified otherwise in the priority order or practitage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States in paid. Name of Payer Restitution Ordered **Priority or Percentage**

TO	TALS 0.00 \$ 0.00
	Restitution among orocaed pursuage to piea agreement \$
	The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for definingency and default, pursuant to 18 U.S.C. § 3612(g).
	The court determined that the defendant does not have the ability to pay interest and it is ordered that:
	the interest requirement is waived for the fine restitution.
	☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

^{*} Findings for the small train and of busyes are required under Chego to 169A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B

Sheet 6 - Schedule of Payments ingus. Tara 12 arabang, 12 m mas 12 mai ang araban mang 17 ang ang ang ang ang mang ang ang ang ang ang ang ang ang a

Judgment - Page

6

of

DEFENDANT: Craig Crimal

CASE NUMBER: \$1: 10 Cr. 56-04 (RUS)

SCHEDULE OF PAYMENTS

Havi	ng as	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A	V	Lump sum payment of \$ 600.00 due immediately, balance due
В		Payment to begin immediately (may be combined with U.C. D, or F below); or
C		Payment in equal (e.g. weekly, monthly querterly) installments of \$ over a period of (e.g. moreus or years), to commence (e.g., 50 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., and each pecies), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F		Special lastra, viv. a reporting the payment advitation monutary penaltics:
impi Resi	isoni isoni onsi	e court has expansity ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal moderary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financi bility programmer made to the clock of the court.
		ndant shall receive credit for all payments previously made toward any ethninal monetary penalties imposed.
	Join	it and Several
	Def and	endam and Co. in, endam beamer, and Twa Natabera and being neglectors combar), Total Amount, Joint and Several Amount, corresponding payer, is appropriate.
	The	defendent shall pay the cost of prosecution.
	The	the Constant of the second and a whole construction of the
Ą		defendant shall ferteit the defendant's interest in the following property to the United States: se separate serteiture order.

Payments small or applied k, the following order (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) consumity restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

EXHIBIT

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v.) JUDGMENT	JUDGMENT IN A CRIMINAL CASE			
មិត	en Santarias	Case Number: 0	99 Çr. 1170			
		USM Number: 6	2980-054			
) Robert Stahl				
THE DEFENDANT:		Deserdant's Attorney				
pleaded guilty to count(s) I and II					
pleaded noto contendere which was accepted by	e to count(s)	· · · · · · · · · · · · · · · · · · ·				
was found guilty on cou after a plea of not guilty						
The defendant is adjusticate	ed guilty of these offenses:					
Title & Section	Nature of Offense		Offense Ended	Count		
18 USC 371	Conspiracy to Commit Securifi	ies Fraud	5/1/2008	1		
15 USC 78j(b) & 78ff	Securities Fraud		8/7/2007	11		
The defendant is set the Sentencing Reform Act	nteaccd as provided in pages 2 through	of this judgr	nent. The sentence is impo	sed pursuant to		
☐ The defendant has been	found not guilty on count(s)		7 () / No print No. 11 (mg h M & PW - 1 / 1 (mg h M M A) (mg h M A)	The control of the co		
☐ Count(s)	is is	are dismissed on the motion	of the United States.			
It is ordered that the ordered that the or mailing address until all the defendant must notify the defendant must notify the defendant must not the defendant mu	he defendant must notify the United Sta fines, restitution, costs, and special asse he court and United States attorney of	ntes attorney for this district wir ssments imposed by this judgm material charges in economic	thin 30 days of any change elent are fully paid. If ordere circumstances.	of name, residence, d to pay restitution,		
		11/30/2011				
provided interest of the second property of the second provided in t	nt is a vine of the primer of regiment of the bull of the primer selection resolution and the primer of the primer	Date of Imposition of Judgment	The state of the s	~ ·		
USDS SDNY DOCUMENT		Signatur of Judge	Midles			
DOC 4:	D: 1)-1-1	Hon Richard J. Sulliva	an U.S.D.J. Title of Judge			
we see and formation		11/5 0/2 011				

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 61 of 72 Case 1:09-cr-01170-RJS Document 15 Filed 12/01/11 Page 2 of 6

AO 245B (Rev. 09/08) Judgment in Criminal Case

(Rev. 9998) Judgarent in Citrainal Case Sheet 2 --- approxament

(2006-1114-11) пред поставать пред став поставляющения выстрания поставания пред поставания постав Judgment - Page 2 of DEFENDANT: Brien Suntarias **CASE NUMBER: 09 Cr. 1170** IMPRISONMENT The extendent is hereov committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Six (6) months on each sount, to run concurrently. The court makes the following recommendations to the Bureau of Prisons: The Court strongly recommends that the Defendant be designated to Fort Dix or a facility as close as possible to his home in New Jersey Micreover, in light of the length of sentence and the nonviolent nature of the offense, the Court recommends that the Defendant on consulared not designation at a halfway house or home confinement pursuant to 18 U.S.C. 3621(e). ☐ The defendant is remanded to the custody of the United States Marshal. ☐ The defendant shall surrender to the United States Marshal for this district: 🗆 rn. 🖾 ran. on Describilies by the Baned States Marshan The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: before 2 o.m. on 1/31/2012 [] is nothing by the United States Marshall El as northed by his Proportion or Previous Services Office. RETURN I have executed this judgment as follows: to , with a certified copy of this judgment. UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

Case 1:09-cr-01170-RJS Document 15 Filed 12/01/11 Page 3 of 6

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet 3 -- Supervised Release

DEFENDANT: Brief Santanas CASE NUMBER: 09 01 1170

Judgment-Page	3	of	6
		O.	

SUPERVISED RELEASE

Upon release from imprisonment, the detendant shall be on supervised release for a term of:

2 years on each count to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit mother federal, state or local crime

The defendant shall not untawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall substance to one drug rest within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as data-indiced by the court.

The above thing rectain, condition is suspended, based on the court's determination that the defendant poses a low risk of future substance arms: which if applicable)

The control and after a goal as a Greatin, and amidion, descretive device, or any other dangerous reaspon. (Check, trapplicable.)

The defance of share deoperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The derendant shall comply with the requirements of the Sex Offender Regulated and Netification Act (42 U.S.C. § 16901, et seq.) as directed by the probability of the Bures, of Prisons, of try state set, offender registration agency in which he or she resides, works, it a madelit, or was convicted of a qualifying offense. "Check y approache.)

☐ The defendant short particle we in an approved program for domestic violence. (Check, if applicable.)

If this judgment increases a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule or Payments sheet to this judgment.

The declaration to comply with the shaded conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDADO COMPUTORS OF SUPERVISION

- the defermant wind not betwee the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation differ and shall submit a withful and complete written report within the first five days of each most?
- 3) the desention state array at utinity all inquiries by the probation officer and follow the instructions of the probation officer;
- the determinant small support his or her dependents and mediother family responsibilities;
- 5) the defendant shall work regularly at a favial occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons:
- 6) the defendant shall marify the probation officer at least ten days prior to any change in residence or employment;
- 7) the College to all returns from ancessave and of alcohot and small not purchase, possess, use, distribute, or administer any controlled substances, except as prescribed by a physician;
- 8) the 12 the 12 the began places whose controlled substances are Hegally sold, used, distributed, or administered;
- 9) the submission is a longest parameter with may parameter engage. The calminar activity and shall not associate with any person convicted of a fellowy, makes greated permission to do so by the probation officer;
- 10) the definition that the Proposition of a probation of the probation
- 11) the occurrant shall notify the probation officer within sevency-two hours of being arrested or questioned by a faw enforcement officer;
- 12) the defendant shall act enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permutation of the court in all
- 13) as directed by the protection officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal range of a constraint and outliness and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 9/908) Judgo eve in a Crimonal Case

(RCV, 990b) redge com m e Crimonal Case Secondal - Enganagel 9 to co

DEFENDANT Brich transastants CASE NUMBERS. 39 Ct. 1770

Indownst Dane	4	n.f	6	
Judgment-Page	<u> </u>	Oi	 	

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant solval provide the probation officer with access to any requested financial information.
- 2. The determinant shall modifical new credit charges or open additional lines of credit without the approval of the probation officer.
- 3. The decembent analyteport to the nearest Probation Office within 72 hours of release from custody.
- 4. The defendant shall be supervised in the district of the residence.

AO 245B (Rev. 19.01) Jackinic Cin a Coming Case
Meet 5 - Orin out Foreum Penaltics

DEFENDANT. Brien Santanas CASE NUMBER: 00 Co. 1170 Judgment — Page 5 of 6

CRIMINAL MORETARY PENALTIES

	The defend	lant muse pay the total criminal r	monetary penalties u	ider the sche	dute of payments or	Sheet 6.	
тот	TALS	<u>Ammanan</u> \$ 20 0.00	87.1 \$	lan s Landi	<u>\$</u>	Restituti	io <u>n</u>
		dication of restitution is deferred determination.	sa,il	No Ameri	led Judgment in a	Criminal	Case (AO 245C) will be entered
	The dolere	dazet must eneka restitution (inch	ding community (est	itution) to th	a following payees	in the amo	unt listed below.
	If the defe the priorit before the	ad, nt bulke, a partial payment, e y onler or payment o United Materis pold.	ach payee shall occi clumn below. Howe	ve an approx vec, pursuan	kimately proportions it to 18 U.S.C. § 366	ed payment 54(i), all no	t, unless specified otherwise in onfederal victims must be paid
Nan	ne of the ye	£	Secretary 1	7 3 5 X	<u>Lostitution</u>	<u>Ordered</u>	Priority or Percentage
TO	TALS	Y.,	0.00	8	0.00		
	The dete	on amous conduced sursuant to provide the pay interest on restitute the fudgment of the judgment of the fudgment of the fudgme	ntion and a fine of me nt, pursuant to 18 U.5	ore vhan \$2,5 S.C. § 3612(t	500, unless the restit	ution or ili ent options	ne is paid in full before the on Sheet 6 may be subject
	The com	r deferration diament defendant :	noes not have the abi	hay to pay in	iterest and it is order	red that:	
	□ the	nterest requirement is waived fo	rthe [] fine [] restitutio	D83 .		
	the i	interest requirement for the] Tine [] restir	ution is moc	iffed as follows:		

in in the second of the second

^{*} Findings For the Path Concerns of Masses are required anome Comptent Fogus. 119, 170A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before expert 23, 1996.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 65 of 72 Case 1:09-cr-01170-RJS Document 15 Filed 12/01/11 Page 6 of 6

(Rev 09/)88 Jod (ment in a Criminal Case

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DEFENDANT. Brien Santarins	- Judgment — Page	6	of	6
CASE NUMBER: 09.0 : 1370				

SCHEDOFF ON NVAMENIR

Hav	ing a	saucce I the defection to a pay, payment of the total criminal monetary penalties is due as follows:
A	M	Lump sum parament of a 200.00 due immediately, balance due
		now lare, together C, D, b, E, or F below; or
В		Payment to hep in immediately (may be contained with [1] C, [1] D, or [1] F below); or
С		Organisation of the state of this judgment; or
D		Fragment in equal 6e.g., weekly, monthly, quarterly) installments of \$ over a period of term of super vision; or years), is commence (e.g., 30 or 60 days) after release from imprisonment to a term of super vision; or
E		frayerum, the ring time term, of emporerised a beans with communes, within the general section of the defendant's ability to pay at that time; or
F		Species instruction regarding the propert of wholes mentary penalties:
imp	rison	is councies expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during name of the federal Bureau of Prisons' Inmate Financial during the Financi
The	de le	indani shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
F1	1-1	
		nt and Severni
		be a stream to a specific Armer and the assumption of ever defined numbers. Total Amount, Joint and Several Amount, a corresponding payee, it appropriate.
	Th	e ducknown show pay the cost of prospection
	T^{i_0}	greater that is progress of Manner greater to the control
	Th	e defendant shall forfelt the defendant's interest in the following property to the United States:
٠	S	eo separate forfature order.
Pay (5)	men fine	te light by application the following order (1) assessment. (2) restitution principal, (3) restitution interest, (4) fine principal, intrest. (4) contamining restitution, (7) possibles, and (8) costs, including cost of prosecution and court costs.

EXHIBIT I

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet 1

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA v. Zvi Goffer THE DEFENDANT:)))))	Case Number: S1: 1 USM Number: 6287 William Barzee Defendant's Attorney	0 Cr. 56-01	SE
pleaded guilty to count(s)				
pleaded noto contendere to count(s) which was accepted by the court.				
was found guilty on count(s) after a plea of not guilty. One through Fourteen				
The defendant is adjudicated guilty of these offenses:				
Title & Section Nature of Offense		·	Offense Ended	Count
18 USC 371 Conspiracy to Commit Securit	ties Fraud	I	11/4/2009	1-2
15 USC 78j(b) & 78ff Securities Fraud			11/4/2009	3-14
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s)		of this judgment.	The sentence is impo	sed pursuant to
Count(s) all open counts is	are dism	issed on the motion of the	e United States.	
It is ordered that the defendant must notify the United States or mailing address until all fines, restitution, costs, and special asset the defendant must notify the court and United States attorney of	ates attorne essments in material c	ey for this district within 3 nposed by this judgment a hanges in economic circu	30 days of any change out of the fully paid. If ordered amstances.	of name, residence, d to pay restitution,
		2/2011 f Imposition of Judgment		
USDS SDNY DOCUMENT ELECTRONICALLY FILED	Signati	are o Judge		
DOC #:		. Richard J. Sullivan	U.S.D.J. Title of Judge	
	9/21 Date	/2011		

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 68 of 72 Case 1:10-cr-00056-RJS Document 271 Filed 09/22/11 Page 2 of 6

AO 245B

(Rev. 09/08) Judgment in Criminal Case Sheet 2 — Imprisonment

Judgment - Page 2 DEFENDANT: Zvi Goffer CASE NUMBER: \$1: 10 Cr. 56-01 IMPRISONMENT The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 120 months. The court makes the following recommendations to the Bureau of Prisons: The Court strongly recommends that the defendant be designated to FCI Otisville or another facility as close as possible to the New York City area so that the defendant's family members, particularly his children, may visit him. The Court also recommends that the defendant be enrolled in the 500-hour Residential Drug Assistance Program. ☐ The defendant is remanded to the custody of the United States Marshal. ☐ The defendant shall surrender to the United States Marshal for this district: _____ a.m. as notified by the United States Marshal. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: ☐ before 2 p.m. on 10/21/2011 as notified by the United States Marshal. ☐ as notified by the Probation or Pretrial Services Office. RETURN I have executed this judgment as follows: Defendant delivered on , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _______DEPUTY UNITED STATES MARSHAL

Case 1:15 cv-00959-RJS Document 1 Filed 02/06/15 Page 69 of 72 Document 271 Filed 09/22/11 Page 3 of 6

AO 245B

(Rev. 09/08) Judgment in a Criminal Case Sheet 3 — Supervised Release

DEFENDANT: Zvi Goffer

CASE NUMBER: S1: 10 Cr. 56-01

Judgment—Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of

 The defendant shall not possess a firearry arguminism destruction destruction destruction destruction.
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check. if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check. If applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the
- as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 70 of 72 Case 1:10-cr-00056-RJS Document 271 Filed 09/22/11 Page 4 of 6

AO 245B Sheet 3C - Supervised Release

DEFENDANT: Zvi Goffer

CASE NUMBER: \$1: 10 Cr. 56-01

6 Judgment-Page

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant shall provide the probation officer with access to any requested financial information.
- 2. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- 3. The defendant shall participate in an alcohol aftercare treatment program under a co-payment plan, which may include testing via breathalyzer at the direction and discretion of the probation officer.
- 4. The defendant shall submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that the probation orficer has a reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.
- 5. The defendant shall report to the nearest Probation Office within 72 hours of release from custody.
- 6. The defendant shall be supervised in the district of his residence.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 71 of 72 (Rev. 09/08) Judgment in a Criminal Case 5 of 6

AO 245B Sheet 5 — Criminal Monetary Penalties

DEFENDANT: Zvi Goffer

CASE NUMBER: S1: 10 Cr. 56-01

5 of _ Judgment — Page __

CRIMINAL MONETARY PENALTIES

	i ne d	etenda	int r	nust pay the to	tal criminal m	onetary penalt	ies under the so	chedule o	f payments on	Sheet 6.			
то	TALS		\$	Assessment 1,400.00			Fine \$		\$	Restituti	on		
	The de	etermi uch de	nati eten	on of restitution nination.	n is deferred (mil		ended Ju	dyment in a (Criminal	Case (AC	0 245C) will	be entered
	The d	efenda	nt r	nust make rest	itution (includ	ling community	y restitution) to	the follo	wing payees in	the amo	unt listed	i below.	
	If the the pr before	defenctionity the U	lant orde inite	makes a partia er or percentaged states is pai	nl payment, ea ge payment col d.	ch payee shall lumn below. }	receive an appi Towever, pursu	roximatel ant to 18	y proportioned U.S.C. § 3664	payment (i), all no	, unless s onfederal	specified ot victims mu	herwise in ist be paid
Nai	me of P	'ayee				<u> </u>	otal Loss*		Restitution O	rdered	Priority	or Percen	tage
													*
										• • •			
							**			4		,	
						-							
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то	ΓALS			\$	- man or the selection of the selection of the te	0.00	\$		0.00	1			
	Restit	ution a	ame	unt ordered pi	irsuant to plea	agreement \$							
	meer	iiii uay	an	er the date of	ine juagment,	pursuant to 18	f more than \$2. U.S.C. § 3612 S.C. § 3612(g)	(f). Allo	ess the restitution of the payment	on or fine options o	is paid i n Sheet (in full befor 5 may be su	e the bject
							ability to pay i		nd it is ordered	that:			
					waived for th		restituti						
	☐ th	e inter	rest	requirement for	or the	fine 🗌 re	stitution is mod	dified as f	follows:				

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Case 1:15-cv-00959-RJS Document 1 Filed 02/06/15 Page 72 of 72 Case 1:10-cr-00056-RJS Document 271 Filed 09/22/11 Page 6 of 6 (Rev. 09/08) Judgment in a Criminal Case Sheet 6 — Schedule of Payments

AO 245B

DEFENDANT: Zvi Goffer

CASE NUMBER: \$1: 10 Cr. 56-01

Judgment — Page 6 of 6

SCHEDULE OF PAYMENTS

Hav	ving a	assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A	Ø	Lump sum payment of \$ 1,400.00 due immediately, balance due
		not later than , or in accordance C, D, E, or F below; or
В		Payment to begin immediately (may be comouned with C, D, or F below); or
С		Payment in equal (e.g., weekly, monthly, quarterly; installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of [e.g., months or years], to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within
F		Special instructions regarding the payment of criminal monetary penalties:
		e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due duri ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financ bility Program, are made to the elerk of the court. Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	t and Several
	Defe and	endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	defendant shall pay the cost of prosecution.
	The	defendant shall pay the following court cost(s):
\$	The See	defendant shall forfeit the defendant's interest in the following property to the United States: separate forfeiture order.

Payments shall be applied in the following order: (!) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.